

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>MICHAEL JOSEPH KEARNS,</b>	)	<b>4:16CV3017</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>BRUCE PAPSTEIN, Brown County</b>	)	
<b>Sheriff,</b>	)	
	)	
<b>Respondent.</b>	)	

Michael Joseph Kearns submitted to this court a habeas corpus petition on behalf of Kenneth Dewey Voss. (Filing No. 1.) The document is signed by Kearns, but is not signed by Voss. Nothing in the pleading suggests that Kearns is a licensed attorney. This is a problem for two reasons.

First, Federal Rule of Civil Procedure 11(a) requires that all pro se parties to a case sign every pleading, written motion, and other paper that they submit to the court. Rule 11(a) helps to ensure that pro se parties consent to the filing of documents on their behalf. *See United States v. Brenton*, No. 8:04CR262, 2007 WL 3124539, at \*1-2 (D. Neb. Oct. 23, 2007) (discussing *Johnson v. O'Donnell*, No. 01-C-0257-C, 2001 WL 34372892 (W.D. Wis. Aug 24, 2001)).

Second, it is improper for a non-lawyer to sign papers in place of, or to otherwise represent, parties other than themselves. *See id.* at \*1 (citing 5A C. Wright & A. Miller, *Federal Practice and Procedure* § 1333, at 513 & n.15 (2004)).

Kearns may not represent Voss in federal litigation and he may not sign documents on his behalf. If Voss seeks release from custody or some other relief, he must file such a request himself or through an attorney.

Accordingly,

IT IS ORDERED: This case is dismissed without prejudice to reassertion of a petition or complaint filed by Voss or by an attorney on his behalf. The court will enter judgment by a separate document.

DATED this 9<sup>th</sup> day of February, 2016.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge